

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Celestino Anthony Gonzalez, #350615,)
)
Plaintiff,)
)
vs.)
)
Ofc. Glissen,)
)
Defendant.)
_____)

Civil Action No. 9:17-3137-TMC

ORDER

Plaintiff, proceeding pro se and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. On March 27, 2018, Plaintiff was advised to provide additional identification or location information for Defendant, due to the summons being returned unexecuted. (ECF No. 25). Before the court is the magistrate judge's Report and Recommendation ("Report"), filed May 3, 2018. (ECF No. 28). The Report advised Plaintiff to provide the Court with proof of service on Defendant or present good cause to the Court for any failure to serve Defendant within 14 days of filing of the Report. *Id.* at 2–3. In the event that Plaintiff failed to do so, the Report recommended dismissal. *Id.* The parties were also advised of their right to file objections to the Report. *Id.* at 4. However, Plaintiff filed no proof of service and no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but

instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 28) and incorporates it herein. It is therefore **ORDERED** that this action is **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

May 22, 2018
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.